

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GREGORY PARRY,

Plaintiff,

v.

HOSPICE OF MICHIGAN, INC., *a*
Michigan non-profit corporation, et al.,

Defendants.

Case No. 2:22-cv-11328-DPH-DRG

Hon. Denise Page Hood
Mag. David R. Grand

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STIPULATED ORDER

Pursuant to discussions had at the Final Pre-Trial Conference with the Court on October 29, 2024, the parties, by and through their attorneys, hereby stipulate to the following:

1. In the parties’ proposed Joint Final Pretrial Order, Defendants identified, among others, the following two issues of law to be litigated:

F. Whether the FCA preempts Plaintiff’s wrongful discharge in violation of public policy claim. (“Issue F”)

G. Whether the individual Defendants can be held liable for retaliation under the FCA or the MFCA. (“Issue G”)

2. The parties briefed Issues F and G in Defendants’ Motion to Partially Dismiss Plaintiff’s First Amended Complaint (ECF No. 6) (the “Motion”), Plaintiff’s Response to Defendants’ Motion to Partially Dismiss Plaintiff’s First Amended Complaint (ECF No. 9), and Defendants’ Reply Brief in Support of Defendants’ Motion to Partially Dismiss Plaintiff’s First Amended Complaint (ECF No. 10.)

3. Specifically, Issue F is addressed in Section IV.B.1 of Defendants’ Motion (ECF No. 6, PageID.43–46), and in Section III of Plaintiff’s Response (ECF No. 9, PageID.80–83). Issue G is addressed in Sections IV.A.2 and IV.C of Defendants’ Motion (ECF No. 6, PageID.42–43, 48–49), in Sections II and V of Plaintiff’s Response (ECF No. 9, PageID.74–80, 86–87), and in Section II.C of Defendants’ Reply (ECF No. 10, PageID.97–100).

4. The Court heard oral argument on Defendants’ Motion (ECF No. 6) on October 11, 2022 and took the Motion under advisement.

5. On September 12, 2024, the Court granted Defendants' withdrawal of the Motion (ECF No. 6) and ordered the Motion withdrawn, indicating that the issues raised therein are preserved for trial. (ECF No. 49, Order Withdrawing Mot. to Dismiss (#6), Mooting Ex Parte Mot. for Leave to File Sur-Reply (#45), Granting Mot. for Misc. Relief (#48) & Setting Dates, PageID.525–526.)

6. Notwithstanding the foregoing, the parties desire that the Court decide Issues F and G as matters of law now, in advance of trial.

7. As such, the parties hereby stipulate and respectfully request that the Court (1) withdraw its September 12, 2024 Order (ECF No. 49) with respect to Defendants' Motion, and (2) issue a formal ruling in advance of trial on Issues F and G as matters of law.

WHEREFORE, IT IS HEREBY ORDERED that the Court's September 12, 2024 Order (ECF No. 49) is hereby WITHDRAWN with respect to Defendants' Motion to Partially Dismiss Plaintiff's First Amended Complaint (ECF No. 6);

WHEREFORE, IT IS FURTHER ORDERED that the Court shall issue a formal ruling in advance of trial on Issues F and G as matters of law.

IT IS SO ORDERED.

Dated: November 6, 2024

s/Denise Page Hood

Hon. Denise Page Hood
United States District Judge

Stipulated and Approved for Entry:

/s/ Annemarie Smith-Morris

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Dated: November 1, 2024

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